
PORT OF OAKLAND WORK FROM HOME PROGRAM POLICY

SECTION: Human Resources

POLICY NUMBER: AP 433

INITIAL DATE PREPARED: May 9, 2022

LAST DATE REVISED:

I. INTRODUCTION

As a department of the City of Oakland and as an enterprise operation, the Port of Oakland (“Port”) serves its customers and the public daily and around the clock at various Port facilities. From ensuring the flying public a clean and safe experience at the Oakland International Airport to maintaining infrastructure and facilities for our maritime tenants who ship goods across the globe, our success depends on being physically present at these facilities and responding immediately to the needs and concerns of our customers and the general public. In addition, because the Port is an emergency response agency, members of the public depend on us for assistance and disaster relief in extraordinary times. The nature of our work requires many of our employees to report to their Port worksites every day.

The Port recognizes that some of its employees can work from home and remain productive, efficient employees who produce quality work. The Port also appreciates the desire of those employees to be able to continue to work from home.

To balance both, the Port intends to implement a pilot program for eligible Port employees to be able to work from home on a limited basis. The Port of Oakland Work from Home Program (“Program”), as reflected in this policy, provides this balance. The Program’s goal is to create a more flexible workplace for current and future Port employees so that the Port remains an employer of choice and can compete with the public and private sectors for today’s top talent.

II. PURPOSE

The purpose of the Program is to allow eligible Port employees to work remotely from their home. An employee working from home must comply with applicable laws concerning workplace safety and applicable Port administrative policies and procedures as well as personnel rules. This policy sets forth a cooperative arrangement between employees, supervisors, and employing departments, provided the arrangement is consistent with the Port’s operational and business needs and organizational priorities. The Port’s operational and business needs and organizational priorities include, but are not limited to, the following:

- Effective use of staff work time;
- Maintaining service delivery to internal and external Port customers;
- Improved resilience and ability to respond;

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- Increased work productivity and morale;
 - Efficient use of Port resources, including office space and parking spaces;
 - Recruitment and retention of highly qualified employees;
 - Increased employee health, safety, and wellness; and
 - Reduction in traffic, commute time and air emissions.

III. PROGRAM PARAMETERS AND REQUIREMENTS

Working from Home is an arrangement that allows eligible employees to work at their home location rather than their normal Port office or worksite. The employee's home or residence is the location documented in the employee's Port personnel file and is the "Designated Home Worksite." If the Designated Home Worksite is a P.O. Box or a location that prevents the employee from responding to their Port worksite within two hours by automobile, the employee is not eligible to participate in the Program. Program Participants may work from home up to a maximum of two (2) workdays per week. Work from Home may be appropriate for some employees or job functions but not others.

As a pilot program, the Work from Home Program may be subject to changes and adjustments by the Port. Importantly, the Port will conduct a review and assessment of the Program at the end of its twelfth month to determine whether changes are necessary or whether the Port should discontinue the pilot program. Any decisions to modify or terminate the Program are completely and entirely within the discretion of Port management and shall not be subject to the meet and confer process.

The following general principles of work at the Port will guide the implementation of the Program and apply to all participants in the Program.

- Regardless of work location, a Program Participant must continue to perform the full scope of their work duties.
- In the event of a disaster, Port employees will be designated as disaster service workers. The public and our customers depend on the Port to provide emergency services and facilities during a disaster. In an emergency, and as disaster service workers, Port employees will need to perform emergency work that will likely not be connected to their Port job nor will it be performed at their Port work location.

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- The Program must be implemented consistent with all applicable labor laws.
 - The Program must maintain the Port’s work culture and continue to provide a collaborative, supportive work environment for Port employees.
 - In person employee contact is crucial to sustain the Port’s work environment and culture. Team building, innovating, and collaborating that cannot be done effectively when working remotely must be done in-person. Technology can’t always replicate serendipitous interactions or the exchange of thoughts and ideas with colleagues when meeting in person.
 - Working from home does not work for all Port employees.
 - A Program Participant may be required on any given day to report to their Port facility or Port job site whether or not it is the employee’s designated work from home day.
 - The employee has equal responsibility for working with their supervisor on their work from home plan to ensure that necessary work is timely and competently completed. Management shall have the absolute discretion to determine who can participate in the Program. The determination will be based on the Port’s business needs, operational necessity, and adherence to the principles stated above. A decision to deny participation in the Program shall not be grievable.

IV. REQUIREMENTS AND EXPECTATIONS FOR PARTICIPATING IN THE PROGRAM

Participation in the Work from Home Program is a privilege, not a right, and participation in the Program is at the discretion of the Port employee’s manager, department director, and the Department of Human Resources. Eligible Port employees who desire to participate in the Program must have an approved Work from Home Application under this Program (“Agreement”). An Eligible Employee (as defined in Section V) may request an Agreement by submitting a written application to their Department Director or Designee. The execution of an Agreement shall require approval by the applicant’s manager, their Department Director, and the Department of Human Resources. An employee who has executed an Agreement with the Port pursuant to this policy is a “Program Participant.”

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Participation in the Program does not change the Program Participant’s duties, obligations, responsibilities (collectively, the “Work”), or the terms and conditions of the participant’s Port employment. Program Participants shall comply with all Port rules, policies, practices, instructions, and applicable MOU. Program Participants shall be held to the same job performance standards as if they were working on site or on Port property, and the Agreements shall not alter performance evaluation standards. Employee performance must remain satisfactory (“meets expectations”) or better to participate in the Program.

A Program Participant shall perform their work and be Available during their regularly scheduled work hours. “Being Available” means a Program Participant is capable of being contacted at, or responding from, the Program Participant’s Designated Home Worksite to interact with supervisors, colleagues or any other party as part of the Program Participant’s Work, whether such interaction is by telephone, a cloud based video conferencing platform, or in person. A Program Participant shall be available at all times during work hours when working from home. A manager or supervisor may require a Program Participant to report to their Port worksite (see, Sections III; VI(C)).

Program Participants shall not engage in any activities or conduct that would violate Port Administrative Policies and Procedures, Port Personnel Rules, Aviation Department Work Standards, or their applicable MOU. A Program Participant who violates the terms of their Agreement or this Policy shall have their Agreement revoked and will be subject to disciplinary action up to and including termination of employment. The revocation of an Agreement shall not be grievable.

A potential Program Participant shall be responsible for reviewing this policy and becoming familiar with its terms and conditions and then completing the required training(s) prior to applying for an Agreement.

A manager or a department director, at their discretion and with five-day notice, may modify or terminate an Agreement for any business or operational reason. Similarly, a Program Participant may request to modify or terminate an Agreement but not more than once every calendar year. The termination of an Agreement shall not be grievable.

Program Participants shall designate a worksite area within their Designated Home Worksite (See, Section IX) that is suitable for performing official business and allows them to perform their duties safely and efficiently. A Program Participant is responsible for maintaining safe work conditions in the worksite area and for ensuring the worksite area complies with the Port’s health and safety

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requirements. Program Participants shall perform their work in their worksite area when working from home.

Expenses incurred as a result of working from home will not be reimbursed by the Port unless they are normally reimbursable pursuant to Port policies.

Program Participants must forward their work calls to their personal phone or Port issued cell phone during their work from home work hours.

V. ELIGIBILITY

Only Eligible Employees as defined below may apply for an Agreement.

A. “Eligible Employee”

An Eligible Employee is an employee who:

- (1) is employed in an Eligible Position;
- (2) has an overall performance rating of “meets expectations” or above and who continues to maintain such rating through the duration of their Program participation.
 - Probationary employees are eligible after receiving an overall rating of “meets expectations” on their fifth month evaluation.
 - Promotional employees are eligible after receiving an overall rating of “meets expectations” on their third month evaluation;
- (3) has not received any discipline within the last five (5) years preceding their application for an Agreement; and,
- (4) demonstrates the following performance characteristics as determined by the employee’s supervisor:
 - dependable and responsible;
 - effective communicator;
 - independent worker;
 - productive;
 - possessing job skills, knowledge, and ability;
 - ability to prioritize work effectively; and,
 - good organizational and time management skills.

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B. “Eligible Positions”

An Eligible Position is a position whose job functions and performance of duties:

- Are independent in nature;
- Lend themselves to measurable deliverables; and
- Can be completed through internet connection and cloud-based document processing and storage via password protected personal internet connection and Port provided technology accessible at the Designated Home-Work Site. A non-secure internet connection such as free hotel, library, or coffee shop Wi-Fi is not permitted.

An Eligible Position **shall not** include positions that:

- Perform functions that must/are required to be carried out or completed at Port worksites or specified sites;
- Require frequent interaction at the Port worksite or specified sites with supervisors, colleagues, customers, tenants, or the public, in person or by phone;
- Require the employee’s immediate presence at the Port worksite or specified sites to address unscheduled events or customer requests;
- Are essential to the management or supervision of on-site operations;
- Require the employee to physically engage a tangible Port on-site asset or oversee someone physically engaging a tangible Port on-site asset; or
- Perform, manage or supervise on-site emergency response or security measures.

VI. WORK FROM HOME SCHEDULE

Work from home may be regular and recurring or occasional. The Department director or their designee will determine the employee’s schedule based on the type of work an employee performs and on the business and operational needs of the Department. A work from home schedule may not exceed two (2) full or partial work days per week. The Department director or designee will establish the days in which the employee works from home.

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A. Regular and Recurring Work from Home

“Regular and recurring work from home” means a Program Participant who works from home on an established day or days, and on a recurring schedule. A regular and recurring work from home schedule shall not exceed two (2) work-days per week. Within these two scheduled days, the Program Participant may work entirely from home, or part of the day at home and part of the day at work. Participants who work from home on a regular and recurring basis shall also be available to work at their regular Port worksite with reasonable notice when requested by their supervisor. Participants shall obtain prior authorization from their supervisor to change a regularly scheduled work from home day.

B. Occasional Work from Home

“Occasional work from home” means a Program Participant who works from home on an infrequent, one-time, or irregular basis. This option enables participants who generally work at their Port worksite the opportunity to work at home, with their supervisor’s approval, to complete special projects or assignments. In any given work week, work from home shall not exceed two (2) work-days per week. Within the two work from home days, the Program Participant may work entirely from home, or part of the day at home and part of the day at work.

C. Reporting to Port Worksite

A supervisor or Department director may, with reasonable notice, require a Program Participant to report to their regular Port worksite for specified times during work from home hours if the supervisor or Department director determines in their discretion and for reasons such as, but not limited to, emergency, efficiency, communication, performance, staffing, or operational needs, that a Program Participant must report to their regular Port worksite during the specified times.

VII. TRAINING

All employees who plan to submit a Work from Home Application and all supervisors of Program Participants shall complete the appropriate Port mandated work from home training(s) at least once before applying for an Agreement. Supervisors may require employees to retake work from home training(s).

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VIII. WORK HOURS

All the rules applicable at the Port Worksite are applicable while working from home. The Program Participant:

- Must perform work during standard business hours for the Port in accordance with AP 103;
- Must account for and report time spent while working from home the same way they would account for their work time at their regular Port worksite, or according to the terms of the work from home Agreement;
- Can only work overtime when directed to do so and approved in advance by their supervisor;
- Shall account for time not performing work (e.g., sickness, personal business, doctor's appointment etc.) or for time away from the Designated Home Worksite (e.g., approved business offsite training or travel etc.) during scheduled work from home hours by obtaining the necessary approvals and using vacation, sick, or other leave in the same manner as departmental employees who do not work from home;
- Must report the hours worked and use sick leave for hours not worked when sick and unable to perform regular work duties; and
- Shall seek prior approval in writing from their managers or supervisors if they need a temporary adjustment in their work from home schedules. A request for an adjustment may only be submitted once every twelve months.

IX. WORKSITE AREA; WORK ACCESSORIES

A Program Participant shall designate a worksite area within their Designated Home Worksite which shall be accessible and available to the employee for their exclusive use to perform work during work from home hours. A Program Participant shall provide their own furnishings, high-speed internet connection, and equipment that they will need to establish a functional worksite area, including desk, chair, lighting, cell phone, fax, copier, scanner, etc. ("work accessories"). A Program Participant shall provide internet connection capability and bandwidth for effective video conferencing. Additional requirements for the worksite area will vary depending on the nature of the work and equipment needed as may be determined by the department. The Port assumes no responsibility for work accessory set-up or operating costs at a worksite area (for example, utilities, telephone or internet services, etc.), safety or suitability of ergonomic equipment, or of any work accessories provided by the participant. A Program Participant's eligibility for a Port owned mobile

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device or for a monthly reimbursement allowance will be determined pursuant to AP 563 (Use of Mobile Devices for Business Purposes).

The Port shall in no instance be liable for any injuries to third persons, including members of the Program Participant's family, who enter the participant's worksite area or otherwise interact with the participant or use their home office equipment. Program Participants are covered by applicable laws when performing work duties at their worksite area during regular work hours.

The Program Participant shall not conduct any in-person Port meetings at their Designated Home WorkSite.

The Port is not liable for damages to a Program Participant's personal or real property while the participant is working at their Designated Home Worksite, regardless of whether such damage occurred during work hours or in the course of performing Port work.

X. PORT HARDWARE AND SOFTWARE EQUIPMENT AND SUPPLIES

Subject to Section IX, and consistent with AP 553 (Hardware and Software), the Port and individual department directors will provide when available Program Participants with laptops, and/or other approved devices or equipment that are necessary for operation of Port-specific software, programs or applications, and for maintaining the security of Port data and records while working off site, especially in the case of a local or national emergency ("Port Equipment").

Departments providing Port Equipment to Program Participants shall reasonably allocate those resources based on availability, and operational and workload needs.

A Program Participant shall identify the equipment, software, supplies, and support required to successfully work at a Designated Home Worksite. A Program Participant will not be given a virtual private network (VPN) connection due to security concerns. Many Port systems such as email and SharePoint are available without VPN. If VPN is required for the participant to perform their work on a temporary basis, a written justification should be included with the request and requires use of a Port issued laptop. Department directors may exercise discretion in providing the needed equipment, software, supplies, or support, to enable the participant to successfully work at their Designated Home Worksite.

All Port rules and policies regarding the use of computers, equipment and the network shall apply while an employee is working from home, regardless of whether the employee is using Port-

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provided or personal equipment. All Port equipment, software and other supplies provided by the Port shall be solely dedicated to use for Port work.

A Program Participant does not obtain any rights to Port equipment, software, or supplies provided in connection with their working from home. The participant shall immediately return all Port equipment, software, and supplies at the conclusion of the work from home arrangement or at the department's request.

A Program Participant shall protect Port equipment, software, and supplies from possible theft, loss, and damage in compliance with Port AP553.

Any equipment, software, files, and databases provided by the Port shall remain the property of the Port. A Program Participant shall adhere to all software copyright laws and may not make unauthorized copies of any Port-owned software. Participants may not add hardware or software to Port equipment without prior written approval.

XI. SECURITY OF CONFIDENTIAL INFORMATION

A Program Participant shall process, save and store all work product, data, records and communications solely in Port-designated servers or cloud storage protected by Port security protocol (including passwords and identification verification).

All files, records, papers, or other materials created while working from home are Port property. Program Participants and their supervisors shall identify any confidential, private, or personal information and records to be accessed and ensure appropriate safeguards are used to protect them. A department may require participants to work in private locations when handling confidential or sensitive material. Departments may prohibit participants from printing confidential information in work from home locations to avoid breaches of confidentiality.

Participants may not disclose confidential or private files, records, materials, or information, and may not allow access to Port networks or databases to anyone who is not authorized to have access.

XII. SUNSHINE LAWS

The California Public Records Act concerning the public's right to access public records applies to Program Participants. Public records include any writing containing information relating to the conduct of the Port's business that are prepared, owned, used, or retained by the Port regardless of

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physical form or characteristic. Public information means the contents of a public record. Upon receipt of an appropriate request, and subject to authorized exemptions, a Program Participant shall permit inspection and examination of any public record or public information in the employee's custody, or any segregable portion of a public record, within required time limits. This requirement exists regardless of where the public record is located.

XIII. PROCEDURES

Employees shall complete the following steps before work from home:

1. Consult with their supervisor to determine their eligibility to participate in the Program;
2. Complete the required training(s);
3. Read and agree to the Work from Home Program Policy;
4. Complete the Work from Home Application form; and,
5. Receive approval for the Work from Home Application in accordance with the department's approval process.

XIV. DENIAL OF APPLICATION

If a Work from Home Application is denied, the Port shall provide a written response stating the reason(s) for denial. If an employee believes their Work from Home Application has been denied for arbitrary or capricious reasons unrelated to Port business and operational needs and objectives, the employee may appeal the decision to a designated Department director or their designee other than the employee's Department director. The decision of the designated Department director (or designee) is final and binding and shall not be grievable.

XV. NO GRIEVABILITY

This Work from Home Program Policy, and any actions implemented pursuant to such policy, are not subject to the grievance processes contained in the Port/IFPTE Local 21 Memorandum of Understanding (MOU), the Port/IBEW MOU, the Port/SEIU MOU or the Port/WCE MOU.

**EXHIBIT 433-A
WORK FROM HOME APPLICATION FORM**

I. EMPLOYEE INFORMATION

Name:		Classification:	
Division:		Department:	

II. WORK FROM HOME INFORMATION

Pursuant to AP 433, Section VI, Program Participants may work from home *up to a maximum of two (2) workdays per week*. Please identify the days you are proposing to work from home.

Monday	Tuesday	Wednesday	Thursday	Friday

III. WORK FROM HOME PLAN

Please outline below the work you will perform while working from home:

Method of communication while working from home (check all that apply):		
<input type="checkbox"/> Phone	Phone number:	
<input type="checkbox"/> Email	Email address:	
<input type="checkbox"/> Text	Phone number:	
<input type="checkbox"/> Other	Please specify:	

**EXHIBIT 433-A
WORK FROM HOME APPLICATION FORM**

IV. EMPLOYEE ACKNOWLEDGEMENTS

<input type="checkbox"/>	I have read the Work from Home Program Policy (AP 433), and I understand its requirements and my obligations.
<input type="checkbox"/>	I have completed the required work from home training(s).
<input type="checkbox"/>	I understand and agree that working from home is a privilege, not a right, that management has the discretion to approve, deny, or modify any work from home arrangement, and that it is not subject to the grievance process.
<input type="checkbox"/>	I understand and agree that I am responsible for maintaining the safety and security of Port equipment, supplies, and information while working from home.
<input type="checkbox"/>	I understand and agree that I must comply with all procedures designed to protect sensitive Port information, including information that is confidential, private, personal, or otherwise sensitive while working from home.
<input type="checkbox"/>	I acknowledge that my worksite area within my Designated Home Worksite is quiet and free of distractions and that it has reliable and secure internet and/or wireless access.
<input type="checkbox"/>	I acknowledge that I must notify my supervisor promptly when unable to perform work assignments because of equipment failure or other unforeseen circumstances.
<input type="checkbox"/>	I agree to accurately record and submit the hours I work while working from home.
<input type="checkbox"/>	I understand and agree that when working from home, I must be capable of being contacted at, or responding from, my worksite area to interact with supervisors, colleagues or any other party as part of my work, whether such interaction is by telephone, a cloud based video conferencing platform, or in person and that I shall be available at all times during work hours when working from home.
<input type="checkbox"/>	I understand and agree that I must come into the office or report to a project/maintenance work site on a regularly scheduled work from home day when I am directed to do so by my director/manager.
<input type="checkbox"/>	I understand and agree that my department/division is not required to provide me with any Port equipment or supplies unless Port-issued IT equipment is deemed required.
<input type="checkbox"/>	I have discussed this application and agreement with my manager. I agree to comply with all terms and conditions in this work from home application and agreement. I understand that my manager or department director, at their discretion and with five-day notice, may modify or terminate my work from home agreement for any business or operational reason.

I hereby affirm by my signature that I have read the Work from Home Program Policy and this agreement and that I understand and agree to all of its provisions.

Employee Print Name	Date
Employee Signature	Date

**EXHIBIT 433-A
WORK FROM HOME APPLICATION FORM**

V. DEPARTMENT MANAGER REVIEW AND APPROVAL

Name:	
Title:	
<input type="checkbox"/>	I have reviewed and approved this Work from Home Application.
<input type="checkbox"/>	This Work from Home Application is denied.

COMMENTS:

Department Manager Signature

Date

VI. DIVISION DIRECTOR REVIEW AND APPROVAL

Name:	
Title:	
<input type="checkbox"/>	I have reviewed and approved this Work from Home Application.
<input type="checkbox"/>	This Work from Home Application is denied.

COMMENTS:

Division Director Signature

Date

VII. HUMAN RESOURCES REVIEW

Name:	
Title:	
<input type="checkbox"/>	I have reviewed this Work from Home Application.

COMMENTS:

Human Resources Signature

Date